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COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

JUL 10 2003

PUBLIC SERVICE  
COMMISSION

IN THE MATTER OF:

PETITION OF NPCR, INC.,	)	CASE NO. 2003-00143
D/B/A NEXTEL PARTNERS FOR	)	
DESIGNATION AS AN ELIGIBLE	)	
TELECOMMUNICATIONS CARRIER IN	)	
THE COMMONWEALTH OF KENTUCKY	)	

**NEXTEL PARTNERS' PETITION FOR  
CONFIDENTIAL TREATMENT**

NPCR, Inc. d/b/a Nextel Partners ("Nextel Partners"), by its undersigned counsel, and pursuant to 807 KAR 5:001, Section 7, hereby petitions the Kentucky Public Service Commission ("PSC") for an Order granting confidential treatment to certain documents, as described below and attached in a sealed envelope to this petition, for inspection:

1. Nextel Partners seeks to file maps depicting its cell site locations in and around the area served by ITG companies. The disclosure of such proprietary information would result in irreparable competitive harm to Nextel Partners by providing its competitors with a non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information, and the Regulations of the PSC contemplate the filing of such information under Confidentiality Order in proceedings such as this. Additional grounds for this requested relief are stated in the attached affidavit of Scott Peabody as an authorized representative of Nextel Partners, designated "Exhibit 1." The confidential documentation referred to in this paragraph is attached to this filing in a sealed envelope labeled "Applicant 1/Applicant 2 Confidential," for inspection. Nextel Partners requests that the maps identified as "Confidential" attached to this filing be deemed confidential by the PSC.

2. Nextel Partners seeks to file advertising budgets for Nextel Partners' Louisville and Lexington business entity areas. The disclosure of such proprietary information would result in irreparable competitive harm to Nextel Partners by providing its competitors with a non-reciprocal competitive advantage. No public purpose is served by the disclosure of such information, and the Regulations of the PSC contemplate the filing of such information under Confidentiality Order in proceedings such as this. Additional grounds for this requested relief are stated in the attached affidavit of Scott Peabody as an authorized representative of Nextel Partners, designated "Exhibit 1." The confidential documentation referred to in this paragraph is attached to this filing in a sealed envelope labeled "Confidential Exhibit B," for inspection. Nextel Partners requests that the Advertising Budget identified as "Confidential" attached to this filing be deemed confidential by the PSC.

3. ITG and Nextel Partners have executed a Confidentiality Agreement, and Nextel Partners will produce this information to ITG, subject to that agreement.

WHEREFORE, Nextel Partners respectfully requests that the PSC enter all necessary Orders granting confidential treatment to the Confidential Data.

FROST BROWN TODD LLC

Dated: June 10, 2004

James Park, Jr., Esq.  
Keith Moorman, Esq.  
250 West Main Street  
Suite 2700  
Lexington, KY 40507  
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and

BRIGGS AND MORGAN, P.A.

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2200 First National Bank Building  
332 Minnesota Street  
Saint Paul, Minnesota 55101  
Telephone: 651-808-6600  
Facsimile: 651-808-6450

ATTORNEYS FOR NPCR, INC. d/b/a  
NEXTEL PARTNERS

By Keith Moomark/Mohler

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing petition was served by U.S. mail on this the 10<sup>th</sup> day of June, 2004, to the following:

James Dean Liebman  
P.O. Box 478  
Frankfort, KY 40602  
(without confidential attachments)

Joan Coleman  
BellSouth Telecommunications, Inc.  
601 West Chestnut Street  
Room 410  
Louisville, KY 40232  
(without confidential attachments)

Stephen R. Byars  
Alltel Kentucky, Inc.  
Kentucky Alltel, Inc.  
P.O. Box 1650  
Lexington, KY 40588-1650  
(without confidential attachments)

Lindsey W. Ingram, Jr.  
Stoll, Keenon & Park, LLP  
300 West Vine Street  
Suite 2100  
Lexington, KY 40507-1801  
(with confidential attachments)

Susan J. Mohler  
Susan J. Mohler

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THE COMMONWEALTH OF KENTUCKY	)	

**AFFIDAVIT OF SCOTT PEABODY IN SUPPORT  
OF PETITION FOR CONFIDENTIAL TREATMENT**

STATE OF WASHINGTON	)	
	) ss.	
COUNTY OF KING	)	

Scott Peabody, being first duly sworn on oath, states as follows:

1. I am an employed by Nextel Partners, Inc. and its subsidiaries, including the Petitioner in this proceeding NPCR, Inc. ("Nextel Partners"). In this capacity I have personal knowledge of the matters set forth in this affidavit and am authorized to make this affidavit on behalf of Nextel Partners.

2. Nextel Partners is requesting confidential treatment for its proposed filing of the following exhibits: (1) maps depicting its cell site locations in and around the areas served by rural companies in this proceeding; and an Exhibit to data responses showing advertising budgets in our Louisville and Lexington business entity areas.

3. These exhibits contain proprietary information that would aid competitors of Nextel Partners, and such trade secret information is subject to protection from disclosure pursuant to Kentucky law. *See* KRS 61.870, et seq.

4. The maps Nextel Partners proposes to file would reveal proprietary information regarding Nextel Partners' network infrastructure plans. This information constitutes a trade secret because it is commercial information that, if disclosed, could cause substantial competitive harm to Nextel Partners. This information is either not publicly available or not generally available in this format. It would be difficult (or impossible) for someone to discover this information from other sources. If this information were available to competitors in this format, they could use it to the competitive detriment of Nextel Partners.

5. The advertising information constitutes a trade secret because it is commercial information that, if disclosed, could cause substantial competitive harm to Nextel Partners. This information is either not publicly available or not generally available in this format. It would be impossible for someone to discover this information from other sources.

6. Unlike incumbent telephone companies who are typically subject to a high degree of regulation, wireless providers like Nextel Partners operate in a highly competitive marketplace where such proprietary information is closely guarded to ensure it is not disclosed to competitors.

7. This information is not generally disclosed to non-management employees of Nextel Partners, and is protected internally by Nextel Partners as proprietary information.

FURTHER YOUR AFFIANT SAYETH NOT.

Scott Peabody  
SCOTT PEABODY

Subscribed and sworn to before me  
this 10th day of June, 2004.

Denise J. Swerland  
Notary Public

